IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12981 of 2004

Between:

1. Vice-Chairman & Managing Director,

A.P. State Hand Loom Weavers Co-op. Society Limited 3-5-770,

APCP Bhavan, Narayanaguda, Hyderabad
2. The Divisinal Marketing Officer,

A.P. State Hand Loom Weavers' Co-op Society
Ltd., Lalcheruvu, Rajahmundry

..... PETITIONERS

AND

1 The Presiding Officer, Industrial Tribunal-II Hyderabad
2 T. Satyanarayana S/o Sri. T. Ramdas
6-1-2C, NTR Colony 8th Ward Gudivada, Krishna District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari and call for the records relating to M.P. No. 16 of 2002 dated 4/8/2003 on the file of the 1st respondent and quash the same

Counsel for the Petitioner:MR.N.RAJESWAR RAO

Counsel for the Respondent No.: Government Pleader FOR LABOUR

The Court at the stage of admission made the following ORDER:

The first petitioner was the employer of the second respondent. The second respondent filed M.P.16 of 2002 before the first respondent under Section 33©(ii) of the Industrial Disputes Act, 1947 claiming Rs.57,000/- as due from the first petitioner.

The Industrial Tribunal passed an order on 04-08-2003, holding that the petitioner is entitled for full wages for the period from 23-09-1987 to 22-04-1990 which should be calculated depending upon the basic pay, D.A., etc. with proportionate costs. The petitioner being aggrieved by the order of the Industrial Tribunal approached this Court through this Writ Petition seeking to quash the said order on the ground that the said application cannot be maintained before the Industrial Tribunal.

During hearing of the matter, the first petitioner was directed by this Court to file a memo as to what the amount payable to the second respondent according to the records of the first petitioner. The first petitioner after working out the said amount, filed the calculation memo mentioning that Rs.32,566-24ps is payable to the second respondent towards the difference of wages from September, 1986 to April, 1990.

After going through the calculation memo, the learned Counsel for the second respondent reported no objection.

In pursuance of the calculation memo filed by the petitioner, the order of the Industrial Tribunal-II, dated 04-08-2003 is modified by holding that the petitioner is liable to pay Rs.32,566-24ps to the second respondent with costs awarded by the Industrial Tribunal.

The petitioner is claiming that the second respondent remained due to pay a sum of Rs.72,876-42ps towards the amount alleged to be misappropriated by the second respondent, and sought permission to adjust the amount covered by this case towards the part satisfaction of the amount due to the petitioner.

The learned Counsel for the second respondent opposed the same.

In the light of the above circumstances, the writ petition is disposed of. The first petitioner is directed to pay Rs.32,566-24ps with costs awarded by the Industrial Tribunal within two months from the date of receipt of a copy of this order. If any amount is due from the second respondent, the petitioner is at liberty to take appropriate steps for recovery of the said amount.

Dr. G. Yethirajulu, J.

Dt:8th October, 2004.

Rns.

To

1 The Presiding Officer, Industrial Tribunal-II Hyderabad

2. Two CCs to G.P. for Labour, High Court of A.P.,Hyderabad.(OUT),

3. Two CD copies.